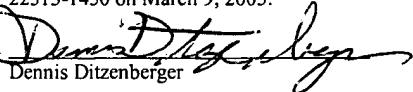


DRW

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2005.

  
Dennis Ditzelberger

CUSTOMER NUMBER

24024

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	)	Examiner:	Amanda R. Flynn
Joseph B. Richey II	)		
	)		
Serial No.:	)	Art Unit:	3743
10/605,754	)		
	)		
Filed:	)		Attorney Docket No.: 12873/04666
October 23, 2003	)		
	)		
For:	)		
OXYGEN CONSERVING DEVICE	)		
USING A RADIAL MULTI-STAGE	)		
COMPRESSOR FOR HIGH-PRESSURE	)		
MOBILE STORAGE	)		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

In response to the Office Action mailed November 15, 2004, Applicant submits herewith a terminal disclaimer, which the Office Action indicated would remove the obviousness-type double patenting rejection. A check in the amount of \$110.00 for the terminal disclaimer fee is enclosed. Applicant therefore requests that the obviousness-type double patenting rejection be removed. As a result, the claims are believed to be allowable, and notice to that effect is respectfully requested. Applicant also submits herewith a Petition for Extension of Time of one month along with a check in the amount of \$120.00.

Applicant acknowledges the courtesies extended by the Examiner in the telephonic interview of February 1, 2005. In that interview, Mr. Szabo telephoned the examiner to inquire about the double patenting rejection of claims 1-24 in the Office Action mailed on 15 November 2004. Mr. Szabo pointed out that the double patenting rejection (paragraph 4 of the action) appears to be incorrectly formatted as regards what is included in the claims of Patent Number 6,805,122. The examiner agreed that the double patenting rejection appeared to be formulated

Serial No. 10/605,754

Examiner: A. Flynn

Art Unit: 3743

March 8, 2005

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incorrectly. Mr. Szabo questioned if a timely filed terminal disclaimer could overcome the double patenting rejection based on '122, and the examiner indicated that it could.

It is believed that there is no additional fee associated with the filing and consideration of this amendment. **Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of entering this amendment and response to deposit account number 03-0172.**

In view of the foregoing, Applicant submits that this application is in condition for allowance, and notice to that effect is respectfully requested.

Respectfully submitted,

Date: March 9, 2005

By: \_\_\_\_\_



Paul E. Szabo, Reg. No. 304429

(216) 622-8578

Customer No. 24024